

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2535 CUTTACK, MONDAY, DECEMBER 31, 2007 / PAUSA 10, 1929

BHUBANESWAR DEVELOPMENT AUTHORITY
BHUBANESWAR

NOTIFICATION

The 28th December 2007

No.10824—BDA.—Where as the amended clause 72 of the B.D.A. (Planning and Building Standards) Regulations 2001, was published in the Extra Ordinary issue of Orissa Gazette vide No.2445, dated the 18th December 2007 & in pursuance of the said clause the Government in H & U.D. Department have approved a scheme for compounding the deviations vide their letter No. 28653-HUD., dated the 18th December 2007.

Now, therefore, the said scheme namely REGULARISATION OF UNAUTHORISED/DEVIATED CONSTRUCTION THROUGH COMPOUNDING is hereby published for general information.

REGULARISATION OF UNAUTHORISED / DEVIATED CONSTRUCTIONS THROUGH COMPOUNDING

1. SHORT TITLE AND COMMENCEMENT

- i) This Scheme is called "Regularization of unauthorized / deviated constructions through compounding".
- ii) The scheme shall be applicable to Development Plan Area of Bhubaneswar Development Authority.
- iii) The scheme shall come into force from the date of its publication in the Orissa Gazette.

2. DEFINITIONS

In the scheme, unless the context otherwise requires:

- i) "Approved Plan" means building plan approved by Bhubaneswar Development Authority, Bhubaneswar, erstwhile Bhubaneswar Regional Improvement Trust & Special Planning Authority, Urban local body, Government Agency empowered under Provision of Act./Rule from time to time.
- ii) "Unauthorised Construction" means construction undertaken in contravention of the approved plan and without any approval / sanction of the Competent Authority.
- iii) Words and expressions used in this scheme but not defined shall have the same meaning as assigned to them in the O.D.A. Act, 1982, O.D.A. Rules, 1983 and Planning and Building Standards Regulation-2001 of Bhubaneswar Development Authority.

3. THE SCHEME

- i) The scheme is applicable only to unauthorized / deviated construction undertaken within the jurisdiction of Bhubaneswar Development Authority prior to the date of notification of this scheme.
- ii) The scheme is intended to give one time opportunity to Individuals/ Agencies for regularizing their unauthorized / deviated constructions by way of compounding at the rates indicated.
- iii) The unauthorized / deviated constructions undertaken after the date of publication of the scheme shall not be covered under this scheme.
- iv) No application under this scheme shall be received after expiry of a period of Six months from the date of its publication in the Orissa Gazette.

- v) The buildings with unauthorized / deviated constructions once regularised under this scheme shall not be considered for further regularisation. Those, who do not apply under the scheme within the stipulated time period shall not be eligible to avail the opportunity subsequently.
- vi) At least 50% of the Compounding fee collected shall be utilized for development purposes by the Development Authority.
- vii) The scheme is applicable where the Plot owner has a clear title deed and construction made is structurally safe and does not affect any public interest or interfere with any public activity.
- viii) The permission to regularise/compound construction will not conform any right, title and interest over the land.
- ix) In case of multi-storied buildings, the applicant would have to obtain N.O.C from Bhubaneswar Municipal Corporation & Fire Services and would submit a Structural Stability Certificate in the prescribed format. Apart from this, the Government have stipulated the following conditions for multi-storied buildings.
 - A) The width of the adjacent road shall not be less than 12 meters.
 - B) The building must have parking space as per norms of BDA (Planning & Building Standards) Regulations, 2001.

Note: The above stipulations are over & above the general restrictions regarding encroachment of roads, nallah, drainage channels and sarbasadharana land, which can not be regularized by compounding.

4. RESTRICTIONS ON COMPOUNDING

Compounding of an offence pertaining to unauthorised construction shall not be done in case:

- i) Where construction has been undertaken on Government land or land belonging to local body or land not owned by the person undertaking such development;
- ii) Where construction has been undertaken unauthorisedly within the prohibited limits of any protected or archaeological monument declared as such by Archaeological Survey of India/ State Archaeological Department, government of Orissa.
- iii) Where construction has been undertaken unauthorisedly violating the requirement of parking space for Commercial / Group housing projects.

- iv) Where construction has been undertaken over public / private road and on the alignment of the natural drainage channel identified by the Development Authority.
- v) Where construction has been undertaken violating the height limitation for the area notified by the Airport Authority, Archaeological Survey of India, State Archaeology and Heritage Zone.
- vi) Where the plot does not have any authenticated access / approach to the plot.
- vii) Where the kism of land is not converted to non-agriculture.
- viii) Where the land on which the building situates, is not in conformity with the land use in the Development Plan and Zoning Regulation enshrined in the Bhubaneswar Development Authority (Planning & Building Standards) Regulations-2001.

5. COMPOUNDING RATE:

(A) Compounding Rates for various categories shall be as follows;

Sl. No	Situations	Rate of Compounding fee in Rs. / Sft.		
		Residential Other than Group Housing	Commercial, Institutional, Industrial, Group Housing and other types	Central Govt, State Govt, Public sector undertaking
1	Construction undertaken deviating approved plan beyond the norms of Regulations for the unauthorised portion	35	100	01
2	Construction undertaken without approval of plan but violating norms	50	200	01

NOTE: (i) The scheme & rates will be valid for the period of six months from the date of notification of this Regulation in the Orissa Gazette.

(ii) The above compounding rate shall be applicable for unauthorized/deviated construction up to 2.5 FAR and in case of FAR exceeding 2.5 and up to 3.00 the compounding fee shall be charged double the above rate. No deviation shall be regularised if, the FAR exceeds 3.00

- (B) Where construction has been undertaken inside 1 mtr. Setback on three sides, no objection Certificate from the adjoining neighbours shall be submitted. However, for the plots having a maximum width of 30'.00" and a maximum area of 1500 Sft., the regularization of construction shall be considered without insisting upon NOC from neighbours.
- (C) In case of buildings with three and more floors within 15 mts height only, 'Structural Stability Certificate" shall have to be submitted..
- (D) Incase of multistoried buildings with 15 mts and above height, clearance from fire safety departments, Bhubaneswar Municipal Corporation and structural stability certificate from a Registered Structural engineer / firm shall be submitted before regularization such construction.
- (E) The application for regularisation of unauthorised construction shall be filled in and submitted to Bhubaneswar Development Authority within a period of six months from the date of publication of this notification in Orissa Gazette as per procedure detailed below at clause –6.
- (F) Bhubaneswar Development Authority shall not accept any application if the same is not authenticated by an Architect, registered with Council of Architecture, India and empanelled with BDA.
- (G) The deposit of compounding amount shall be in addition to the scrutiny fee required to be deposited as per Rule-18 of O.D.A. Rules 1983. The rates of scrutiny fee are furnished at Annexure-1

6. APPLICATION PROCEDURE

The intending plot owners/developers desirous of availing the Scheme shall apply in the prescribed Form-A along with the following documents within six months from the date of publication of this Scheme in the Orissa Gazette.

- Four copies of building plans as per actual construction at site showing site plan, layout plan, floor plan, four side elevations, drainage and sewerage disposal plan etc. duly signed by the plot owner / developer and the Architect.
- Copy of ownership document of land.
- Copy of the approved plan and approval letter, if any.
- Affidavit in the prescribed Form-B regarding peaceful possession of the land and construction undertaken at site.
- Certificate in prescribed Form-C on Structural Stability of the building by a Structural Engineer as the case may be .
- The applicant has to submit the photograph of the building/house from two angles duly signed by the applicant and attested by the concerned architect with date. The applicant shall have to affix his own recent photograph on the body of the application and the affidavit to be submitted to the Authority.

7. FEES

- (a) **Scrutiny Fee:** The applicant shall have to pay the scrutiny fee as per the rates prescribed in ODA Rules, 1983, as per Annexure-I.
- (b) **Compounding Fee:** The application shall be accompanied by self assessed compounding fee as per the rates specified at clause- 5(A). The scrutiny fee and the compounding fee shall be deposited with BDA in one installment only in the form of two separate bank drafts drawn in any nationalised bank payable at Bhubaneswar in favour of "Bhubaneswar Development Authority". The differential amount, if any, shall be paid within 30 days from the date of receipt of intimation from BDA. Extra amount, if any, shall be refunded without interest.

8. PENALTIES

- In the event of misrepresentation or / and suppression of facts, the compounding fee shall be forfeited and the permission for regularization so issued shall be revoked.
- The matter shall be reported to the Council of Architecture, New Delhi for cancellation of the license / registration of the concerned architect. This shall also warrant criminal prosecution against the applicant / architect.

9. MISCELLANEOUS

- Applications, complete in all respects, shall be dealt with on "first-cum-first -served" basis and disposed off within a maximum period of six months from the date of submission of the application.
- Ten groups consisting of representatives of Bhubaneswar Development Authority, Public Health Engineering Deptt./ Municipal Engineer will form a panel to take up random checking of the construction on the site.
- The Authority reserves the right to initiate proceedings against unauthorised / deviated constructions under the ODA Act, 1982 where the cases cannot be regularized under this Scheme.
- Any person aggrieved by the decision of the Authority may prefer appeal under section 18 and 91 of the Orissa Development Authorities Act, 1982 and the decision of the Appellate Authority shall be final.
- Summary of the cases disposed of under the Scheme shall be published through a public notice as provided in the relevant Regulation of the Authority.

NABA KISHORE SAMAL
Secretary

FORM-A

**APPLICATION FOR REGULARISATION OF UN AUTHORISED / DEVIATED
CONSTRUCTION OF BUILDING WITHIN DEVELOPMENT PLAN AREA OF
BHUBANESWAR DEVELOPMENT AUTHORITY**

(Form to be filled in by the applicant in block letters) FOR OFFICE USE

NAME:

Registration no:

PRESENT POSTAL ADDRESS:
(FOR CORRESPONDENCE)

Fees realised in Rs:

TEL. NO.

i. Scrutiny fee:
draft no & date:

ii. Compounding fee:
draft no & date :

To,

**The Vice-Chairman,
Bhubaneswar Development Authority,
Bhubaneswar.**

Affix recent
photograph of the
applicant with
signature on the
body of the
photograph.

Sir,

I/We hereby apply for regularisation of unauthorised/deviated construction as mentioned below:

- Name of the applicant:
- Applicant's interest in land with
Records of rights : Owner ☐ Power of Attorney holder ☐
- Plot No. :
- Area in Sft. :
- Mouza :
- Nature of ownership
(lease hold/ sthitiban) :
- Category of the building
(Referred to categories detailed at clause 5-A of the Scheme)

- Land use in C.D.P. :
- Kisam of the land :
- Approach road : Private ☐ Public ☐
- Road width :
- Whether connected to
existing public road : Yes ☐ No ☐
- Distance from A.S.I. protected monuments :
Within 100 Mtrs. :
Upto 300 Mtrs. :
Beyond 300 mtrs. :
- Whether coming within Airport funnel zone? if yes;
Distance from runway end :
- Whether coming within Airport Transition zone? if yes
Distance from boundary of the Airport :
- Height of the existing building :
- Total deviation in Sft.
(Please refer Form-D) :
- Documents/plans furnished : (√) (X)
 1. Copy of ownership document :
 2. Copy of kisam conversion certificate/
money receipt for conversion , if necessary :
 3. Four ammonia print copies of plan as per
actual construction at site :
 4. Photo copy of approved plan and
approval letter, if any :
 5. Affidavit (in the Form-B) :
 6. Photographs of the building from two
angles existing at the time of application,
signed by the applicant and attested by
the Architect with date :
 7. Structural Stability Certificate (in Form-C)
from a Structural Engineer in
case of building exceeding two floors :

8. Land use Map to be obtained from BDA's GIS counter

:

9. Deposit details:

i. Scrutiny fee:	Amount in Rs.	<input type="text"/>	Draft No.	<input type="text"/>
Drawee Bank/Branch <input type="text"/>				
ii. Compounding fee :	Amount in Rs.	<input type="text"/>	Draft No.	<input type="text"/>
Drawee Bank/Branch <input type="text"/>				

Date:
Place:-

Signature of the Architect
Name:
Regn. No.:
Postal address:

Tel. No:

Signature of the applicant(s)
Name:
Postal address

Tel. No:

FORM-B

AFFIDAVIT

(To be sworn by the applicant)

I/We, Sri / Smt. _____ aged _____
 years, Son / daughter / wife of Sri / Smt. _____
 of village _____ P.S. _____
 Dist. _____ do hereby solemnly affirm as follows:

1. That I/We have obtained a plot/building by way of purchase/lease/gift/family partition/court decree from _____ of village _____ measuring an area Ac. _____ vide deed no. _____ dt. _____ the details of which are given in the schedule below.

SCHEDULE OF PROPERTY

Name of the Mouza/Village :

Tahasil :

Sabak/Hal plot no. :

Khata no. :

Area :

Layout plot (Drawing) no. :

Approved by BRIT/BDA vide letter no. _____ dated _____

BOUNDED BY (Please mention plot numbers/road)

Eastern side :

Western side :

Northern side :

Southern side:

2. That from the date of acquisition, I/We am/are in lawful and peaceful possession over the above plot.
3. That I/we have not constructed the building or any part there of beyond my /our largely owned land.
4. That I/We have not encroached any Govt. land or any other land abutting or contiguous to my aforesaid land.
5. That the plan submitted for regularisation is exactly as per the actual construction at site.
6. That the information furnished in the application form and documents submitted along with application are correct.
7. That the restrictions, imposed in Para 4(four) of the scheme are not applicable to this proposal.
8. That I we undertake the responsibility of structural safety of the building and BDA shall in no way be held accountable for any structural failure of the building.
9. That in the event of any suppression and/or misrepresentation of facts in the application, the Authority has got every right to refuse the permission/ revoke the permission and forfeit the compounding fee deposited by me/us and I/We shall be liable for criminal prosecution.

Identified by:

Deponent

FORM-C

STRUCTURAL STABILITY CERTIFICATE

This is to certify that I/We have checked the structural stability of the existing storey building constructed over the plot no.
Mouza..... The existing construction of the building is structurally safe as per the provision of the National Building Code of India taking into account the safety factors especially for cyclone, earthquake and other natural calamities.

Date :-

Place :-

Signature with seal of Structural Engineer

Name:

Regn. No.:

Office postal address:

Ph. No.:

Signature of the applicant

Name:

Postal Address:

Tel. No.:

Sl. No	Category	Actual construction at site			Provision as per Regulation			Provision as per approved plan if any			V I O L A T I O N S						
											Construction undertaken deviating approved plan but beyond norms of Regulation-2001			Construction undertaken without approval and violating the norms of Regulation-2001			TOTAL
		A	B	C	A	B	C	A	B	C	A	B	C	A	B	C	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1	Front setback																
2	Rear set back																
3	Right side set back																
4	Left side setback																
5	F.A.R.																
6	Height in ft.																
7	Stilt / Basement																
8	Ground floor																
9	First floor																
10	Second floor																
11	Third floor																
12	Fourth floor																
13	Fifth floor																
14	Sixth floor																
15	Seventh floor																
16	Eighth floor																
17	Parking area in sq ft																
18	Total deviation in Sq. Ft.(upto 2.5 FAR)																
	FAR beyond 2.5 up to 3.0																
19	Compounding rate in Rs.(upto 2.5 FAR)																
	FAR beyond 2.5 up to 3.0																
20	Total compounding fee in Rs.																

PLOT NO.:

REVENUE MOUZA:

PLOT AREA IN SQ. FT. :

- A. Residential other than Group Housing
 B. Institutional, Commercial, Industrial, Group Housing and other types (to be specified).
 C. Central Govt., State Govt., Public Sector Undertakings and Nationalized Banks.

UNDERTAKING

Certified that the above information in the calculation statement is correct. We undertake that if at any time the above information or statement are found to be incorrect, fraudulent or there is any suppression of fact, we shall be liable for criminal prosecution as per law.

FOR OFFICE USE:

Signature of the Architect
 Name in Block letter:
 Registration No.
 Date:

Signature of the Applicant
 Name in Block letter:
 Address
 Date:

Signature of the Verifying Officer
 Name in Block letter:
 Designation:
 Date:

Signature of the Countersigning Officer
 Name in Block letter:
 Designation:
 Date:

Signature of the Approving Officer
 Name in Block letter:
 Designation:
 Date:

FORM-E

AFFIDAVIT
(NOC from neighbour)

(By the Owner of the neighbouring plot)

I/We, Sri/Smt..... Aged.....
 Son / daughter / wife of Sri / Smt.
 Village..... P.O..... P.S.
 Dist..... do hereby solemnly affirm as follows.

That, I/We own a plot of land/building bearing No. of Village/ Unit
P.O.....P.S..... on the
 North/South/East/West side of Plot No/House No. of
 Village/Scheme..... owned by Sri/Smt.
 aged.....
 Son / daughter / wife of Sri / Smt.
 Village..... P.O..... P.S.
 Dist.....

That, I/We have no objection for the construction undertaken by Sri/Smt
 over above plot with less than 1
 metre/Zero setback on the North/South/East/West side of my/our plot/ house.

That, this affidavit is required to be produced before the BDA for regularization
 of construction undertaken over above plot by Sri/Smt
 in Village/ Unit..... under the provisions of Clause 72(2) of BDA
 (P & B S) Regulations 2001 (Amended 2007).

That, the facts stated above are true to the best of my knowledge and belief.

DEPONENT

Identified by:

ANNEXURE-I**SCRUTINY FEE**

Sl. No.	Details of construction and area	Fee in Rupees
1	2	3
(A)	Fee for development of land	@ Rs. 0.50 per Sq. mtr.
(B)	Fee for building operation	
(i)	For residential building (covered area on all floors) (a) Upto 100 Sq. mtrs. (b) Above 100 and upto 150 sq. mtrs. (c) Above 150 and up to 300 Sq. mtrs. (d) For every additional 50 sq. mtrs. or part thereof	150.00 225.00 300.00 300.00
(ii)	For commercial buildings (Business, Mercantile, Shops, Hotels / Assembly Buildings , Show Rooms, Business Offices, Godowns, Ware Houses, Banks, Cinemas, Theatres, Clubs etc. (Covered area on all floors) (a) Up to 20 Sq. mtrs (b) Above 20 and Upto 50 sq. mtr. (c) For every additional 50 sq. mtr or part thereof.	250.00 375.00 500.00
(iii)	For Industrial building(Covered area on all floors) (a) Upto 150 sq. mtr. (b) For every additional 50 Sq. mtrs or part there of.	750.00 500.00
(iv)	For public buildings (Educational, Religious, Charitable, Government or all local body uses) (Covered area on all floors).	@ 0.50 per Sq. mtr